

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
KEN GOODWIN,

Plaintiff,

-against-

SUPERINTENDENT, FIVE POINTS
CORRECTIONAL FACILITY

Defendants.
----- X

**ORDER REGULATING
PROCEEDINGS**

23 Civ. 06340 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

A petition reviewing the judgment of the New York Supreme Court was filed July 21, 2023. The following shall be the briefing schedule:

1. Since Petitioner's first claim argues that his attorney failed to consult with him before withdrawing a plea of guilty, attorney-client privilege has been waived. *See, e.g., Broidy v. Global Risk Advisors LLC*, 2023 U.S. Dist. LEXIS 151536, at *7 (S.D.N.Y. Aug. 24, 2023); *First Fed. Sav. & Loan Ass'n v. Oppenheim, Appel, Dixon & Co.*, 110 F.R.D. 557, 567 (S.D.N.Y. 1986). Petitioner's attorney at that time, Murray Richman, shall by November 6, 2023, file an affidavit describing his recollection of the events recounted in the petition and supporting memorandum. The parties shall give Mr. Richman notice of the case and of his required affidavit.
 2. By December 11, 2023, the People shall file its opposing papers.
 3. By January 5, 2024, Petitioner shall file its reply papers. Briefing will then be closed.
- Substantial time having been given, these dates are non-adjournable.

SO ORDERED.

Dated: October 12, 2023
 New York, New York

_____/s/ Alvin K. Hellerstein_____
ALVIN K. HELLERSTEIN
United States District Judge